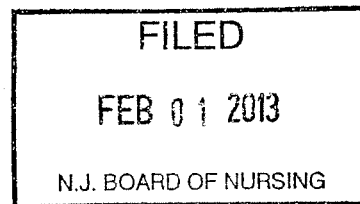


JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Nursing

By: DAG Susan Carboni
Tel. (973) 648-2894



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
KELLY JOANNE MOXLEY, L.P.N.	:	ORDER OF SUSPENSION
LICENSE # NP 03128000	:	OF LICENSE
	:	
	:	
TO PRACTICE AS A	:	
LICENSED PRACTICAL NURSE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (" Board") upon the receipt of information indicating the following;

1. Respondent, Kelly Joanne Moxley, is the holder of License No. NP 031280000 and is a licensed practical nurse in the State of New Jersey.

2. Respondent entered into a private letter agreement with the Board, which she signed on or about February 26, 2012.

(Exhibit A) The agreement required respondent to enroll in the Recovery and Monitoring Program of New Jersey (RAMP), undergo evaluation and monitoring, agree to follow recommendations by RAMP for further treatment, and to refrain from the use of any and all potentially addictive substances. (Exhibit A, ¶¶2, 6, and 10.) The agreement was to have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4. In the event that the Board received reliable information that respondent had acted in violation of the RAMP contract and/or the agreement, the agreement was no longer to remain confidential.

3. In a communication dated September 28, 2012, RAMP's Interim Director advised the Board that respondent was noncompliant with monitoring requirements and had ceased participation in RAMP. (Exhibit B)

4. On or about January 16, 2013, a letter issued by overnight and regular mail to respondent at her address of record, advising respondent that the Board had received credible information indicating that she was not in compliance with the private letter agreement, and advising her to forward within five days any proof that she was currently in compliance with RAMP. The overnight mailing was delivered on January 17, 2013. The regular mailing was not returned. No response has been received

to date. (Exhibit C)

5. The private letter agreement signed by respondent provided for automatic suspension of respondent's nursing license upon receipt of reliable information indicating that respondent has violated any term of the private letter agreement. (Exhibit A, ¶13)

6. A certification from RAMP's Interim Director dated January 18, 2013 indicates that respondent has consumed alcohol since she signed a RAMP monitoring agreement on February 26, 2012 and has refused to follow RAMP recommendations to enter an inpatient treatment program. She has also indicated that she was dropping out of RAMP for financial reasons. Ms. Moxley has ceased participating in RAMP since September of 2012. She has not called in for drug screenings since September 14, 2011, and her last actual screening was on August 14, 2012. (Exhibit D) This conduct constitutes a violation of the private letter agreement signed by respondent.

IT IS on this 1st day of February, 2013

HEREBY ORDERED that:

1. Respondent's license to practice nursing in the State of New Jersey shall be and hereby is suspended for her violation of the private letter agreement, which is deemed a violation of a Board Order within the intendment of N.J.A.C. 13:45C-1.4 and N.J.S.A. 45:1-21(e).

2. Respondent may, under the terms of the private letter agreement, upon notice, request a hearing on the sole issue of whether respondent has failed to comply with the terms of the private letter agreement.

3. In the event that respondent seeks reinstatement of her New Jersey nursing license at any future time, the Board shall not entertain any application for reinstatement without respondent's demonstrating that she is in full compliance with the terms and conditions of the private letter agreement and with any agreement with RAMP.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN, C
Board President

EXHIBIT

A



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey Board of Nursing
124 Halsey Street, 6th Floor, Newark NJ 07102
www.njconsumeraffairs.gov/medical/nursing.htm



PAULA T. DOW
Attorney General

THOMAS R. CALCAGNI
Acting Director

Mailing Address:
P.O. Box 45010
Newark, NJ 07101
(973) 504-6430

February 17, 2012

Regular Mail

Ms. Kelly Joanne Moxley
10 South Sussex Street
Gloucester, New Jersey 08030

LPN # 26NP031280000

Re: Private letter agreement

**NOT FOR
PUBLIC DISCLOSURE**

Dear Ms. Moxley:

The New Jersey Board of Nursing and/or RAMP has reviewed information which reveals that you may have problems related to mental health and/or substance abuse that could have affected and/or might subsequently affect your nursing activities. The Board has therefore authorized me to propose to resolve this matter by private letter agreement. However, if this agreement is not returned signed within fifteen (15) days, this offer may be withdrawn. Moreover this offer of private resolution is premised on the information of which the Board and/or RAMP is currently aware, i.e., that the Board was advised by Loving Care Agency located in Cherry Hill, NJ that while on duty on 1/19/12 you were found to have an open empty wine bottle with you as you accompanied a special needs child to the St. John of God School. On the morning of 1/20/12 you were escorted to Concentra to have a random drug screen. The screen registered 0.0844 for alcohol. In the event that information emerges indicating that the dimensions of the problem are greater than indicated above, or that your conduct results in a criminal conviction, the Board reserves the right, in light of its responsibilities, to take public disciplinary action. Except as indicated above, or if the Board receives reliable information indicating that you have violated this agreement, the Board will shall maintain the confidentiality of this letter agreement.

In order to determine how to finally resolve this matter, the Board requests that you sign this document in order to indicate that you:

1. Agree to undergo a comprehensive mental health and substance abuse evaluation to be conducted by a qualified mental health evaluator as recommended by the Recovery and Monitoring Program of New Jersey (RAMP) within 30 days hereof, if required by RAMP. Agree that the evaluator shall prepare a report which shall include an evaluation of your mental health condition and substance use history (if any), whether you are able to safely and competently practice nursing, and said report shall include recommendations for further treatment and monitoring, if applicable, including the need for continued random urine screens, or limitations of practice.
2. Agree to enroll in RAMP (The Recovery and Monitoring Program) for a minimum of 90 days during which time you shall be required to undergo random observed urine screens panel or

hair screens, submit monthly self-evaluation reports, and attend regular Peer Support Meetings. Your failure to submit to or provide a urine or hair sample when requested, failure to supply reports on a timely basis, and failure to attend peer support meetings shall be deemed to be a violation of the terms of this agreement, as shall other violations of your RAMP contract.

3. Agree to arrange for the aforementioned comprehensive mental health and substance abuse evaluation report to be forwarded to the Board and to RAMP within 30 days hereof.
4. Agree that RAMP shall notify the Board immediately if you become noncompliant with the program requirements and provide the Board with a copy of all documents relating thereto.
5. Agree to submit complete copies of the RAMP Initial Application form and RAMP Agreement form to the Board within 30 days hereof.
6. Agree to follow the recommendations (if any) by RAMP and/or the evaluator for further treatment, which may include inpatient or intensive outpatient treatment, and/or more lengthy enrollment in RAMP, and to limit your nursing practice if recommended by RAMP. This may include your placing your nursing license into inactive status.
7. Agree to be responsible for all costs of the comprehensive mental health and substance abuse evaluation, urine screens, the enrollment participation fees associated with RAMP and/or further treatment and monitoring, if applicable.
8. Agree that until successful completion of RAMP you will notify RAMP in writing of any change of employment within 10 days of being terminated, resigning or taking a leave of absence from any place of nursing employment. Also you will notify the Board in writing of any change in name or official address of record within ten days thereof.
9. Agree to notify the Board in writing if you are arrested, indicted or convicted of any crime or offense within 10 days thereof.
10. Agree to refrain from the use of any and all potentially addictive substances except as prescribed by an authorized health care practitioner. You shall report any such use to RAMP in writing within five days of receiving such a prescription together with the name of the prescribing health care practitioner, the name of the drug, the quantity, frequency, length and reason for its use.
11. Agree that your signature on this agreement shall specifically constitute a waiver of confidentiality of documents and information forwarded by the Board to RAMP and by RAMP to the Board, and received pursuant to this agreement, so as to permit their use, and use of this private letter agreement, in any proceeding regarding your license in the event you violate any provision of this agreement.
12. Agree that you shall remain in RAMP until successful completion of or release from the program. Agree that unless you have successfully completed RAMP, and received written notification from the Board that you are relieved of the requirements of this letter agreement, you may not modify the conditions of this agreement without submitting a written petition to the Board providing a detailed explanation of the basis for your modification request, and then entering into a new, modified agreement with the Board which may not necessarily be confidential.

13. Agree that any deviation from the terms of this private letter agreement without the prior written consent of the Board shall constitute a failure to comply with the terms of this agreement. Upon receipt of any reliable information indicating that you have violated any term of this agreement, your nursing license may be automatically suspended by the Board. You may, upon notice, request a hearing to contest the entry of such an order. At any such hearing the sole issue shall be whether any of the information received regarding your violation of the agreement was materially false. In addition, the Board reserves the right to bring further disciplinary action.

Upon your forwarding this signed agreement, of which you should retain a copy, to my attention, you should immediately contact Wendy Summers, at (609)883-5335, Extension 23, leaving a message with a telephone number where you may be contacted. In the event that there is no response within 48 hours, you may contact Jamie Smith, RAMP's Interim Director, at (609)883-5335, Extension 20, and leave a message with a contact number. Be prepared to forward a copy of this letter to RAMP. You will be promptly contacted and advised as to how to proceed in order to enroll in RAMP, and to obtain the written evaluation. This agreement and any resulting evaluation shall remain confidential unless you fail to abide by its terms. This agreement shall have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4.

Very truly yours,

By:

Patricia A. Murphy, PhD, APN

Patricia A. Murphy, PhD, APN
Board President

I have read the above agreement
and agree to be bound by its terms.

Kelly Joanne Moxley

Kelly Joanne Moxley

Date

Feb 26

B

September 28, 2012

Patricia A. Barnett, RN, JD
Chief Executive Officer
Jamie Smith, MSN, RN, MSN
Interim RAMP Director

Mr. George Hebert, RN, MA
Executive Director
New Jersey Board of Nursing
124 Halsey Street 6th Floor
Newark, NJ 07102

RE: Kelly Joanne Moxley RAMP #3203
LPN License # 26NP03128000

Dear Mr. Hebert,

This letter is to notify you that Kelly Joanne Moxley RAMP participant # 3203 has been noncompliant with her RAMP monitoring requirements. Ms. Moxley signed a RAMP monitoring agreement on February 26, 2012 as well as her PLA. She began daily check ins and random testing March 26, 2012.

Ms. Moxley confirmed she was drinking alcohol since entering RAMP however is refusing to follow treatment recommendations to enter an inpatient treatment program. Ms. Moxley made the decision to drop out of RAMP giving financial issues as the problem.

Ms. Moxley has failed to respond to RAMP's efforts to help her become compliant. At this time RAMP cannot assure the BON or the public that she is safe to practice. Please feel free to contact me with any questions or need clarification.

Sincerely,



Jamie Smith MSN, RN, CCRN
Interim RAMP Director

Cc: Deborah Zuccarelli RN, NJ BON
Nicole Peteet-Davis

C



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO Box 45029
Newark, NJ 07101

JEFFREY S. CHIESA
Attorney General

CHRISTOPHER S. PORRINO
Director

January 16, 2013

By regular and overnight mail
Ms. Kelly Joanne Moxley
10 South Sussex Street
Gloucester City, NJ 08030-1711

Re: Noncompliance with private letter agreement

Dear Ms. Moxley:

The New Jersey State Board of Nursing is in receipt of credible information advising that you are not in compliance with the private letter agreement that you signed on or about February 26, 2012

The Recovery and Monitoring Program of New Jersey (RAMP) has notified the Board that you have indicated to RAMP that you have been drinking alcohol since you enrolled in RAMP, and that you have been refusing to follow treatment recommendations, i.e., that you enter an inpatient treatment program. The Board is also advised that you have dropped out of RAMP because of financial problems.

The private letter agreement that you signed provides for automatic suspension of your nursing license for noncompliance. If the information the Board has received is not accurate, you are advised to forward proofs that you are in compliance with the private letter agreement to my attention within five (5) business days. You may send it to:



January 16, 2013

Page 2

D.A.G. Susan Carboni
Division of Law
P.O. Box 45029
124 Halsey Street, 5th Floor
Newark, NJ 07101

You may also fax me at (973)648-3879. You should telephone to verify receipt. Your failure to demonstrate that you are in compliance with the private letter agreement may result in the suspension of your nursing license.

Thank you for your attention.

Sincerely yours,

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY

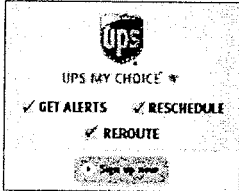
By: *Susan Carboni*
Susan Carboni
Deputy Attorney General



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NAME **Susan Carboni** TELEPHONE **973-648-3245**

COMPANY **Deputy Attorney General**
DIVISION OF LAW

STREET ADDRESS

124 HALSEY STREET 5TH FLOOR

CITY AND STATE

NEWARK

ZIP CODE

NJ 07102

2 EXTREMELY URGENT DELIVERY TO

NAME **Mrs. Kelly Dianne Moxley** TELEPHONE
COMPANY

STREET ADDRESS

10 South Sussex Street

DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL)

Gloucester City, NJ 08060-1711

ZIP CODE



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EXHIBIT

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DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF NURSING

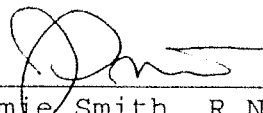
CERTIFICATION
OF JAMIE SMITH

I, Jamie Smith, of full age, certify:

1. I am a registered nurse in the State of New Jersey, and employed as the Interim Director and custodian of the records of the Recovery and Monitoring Program of New Jersey (RAMP), with offices at the New Jersey State Nursing Association, 1479 Pennington Road, Trenton, New Jersey 08618. I have been employed in that capacity since January 1, 2011.

2. I have consulted the records used by RAMP in the ordinary course of business and have ascertained that Kelly Joanne Moxley, L.P.N., has consumed alcohol since she signed a RAMP monitoring agreement on February 26, 2012, and has refused to follow treatment recommendations by RAMP. Specifically, she refused to enter an inpatient treatment program. She also indicated that she was dropping out of RAMP because of financial difficulties. Ms. Moxley has ceased participating in RAMP since September of 2012: she last attended a peer group meeting in August of 2012; she last called in for drug screening on September 14, 2011; and she last underwent alcohol and drug screening for RAMP on August 14, 2012.

I certify that the foregoing statements made by me are true.
I am aware that if any of the foregoing statements made by me are
wilfully false, I am subject to punishment.



Jamie Smith, R.N.
Interim Director
Recovery and Monitoring Program

Dated: 1/18/13